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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ANTONIO CRUZ-TEPETZI, an individual;
ADAM PASQUALI, an individual,

11
12 Plaintiffs,

13 vs.

14 FRANCISCO VELASCO HERNANDEZ, JR.,
an individual; WAL-MART
15 TRANSPORTATION, LLC, a foreign limited-
16 liability company; and DOES I through X, and
ROE CORPORATIONS I through X, inclusive,

17
18 Defendants.

CASE NO. 2:22-CV-00299-JCM-NJK

**Stipulation and ~~Proposed~~ Order to Extend
Discovery**

(First Request)

19 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of
20 record, hereby stipulate and request that this Court extend discovery in the above-captioned case
21 ninety (90) days from the current deadline of August 31, 2022 up to and including November 30,
22 2022. In addition, the parties request that all other future deadlines contemplated by the Discovery
23 Plan and Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and
24 Request, the parties state as follows:

25 1. On December 14, 2021, Plaintiffs filed their Complaint in the District Court, Clark
26 County, Nevada.

27 2. On February 17, 2022 Defendants removed the case to United States District Court
28 and filed their Certificate of Interested Parties.

1 3. On March 11, 2022, Plaintiffs served their Initial Rule 26(f) Disclosures.

2 4. On March 11, 2022, Defendants served their Initial Rule 26(f) Disclosures.

3 5. On March 18, 2022, the parties submitted a Joint Status Report Pursuant to the

4 Court's Minute Order Dated February 17, 2022.

5 6. On March 28, 2022, Defendant Wal-Mart Transportation, LLC served their First Set

6 of Interrogatories and Requests for Production of Documents to Plaintiff Antonio Cruz-Tepetzi.

7 7. On March 28, 2022, Defendant Wal-Mart Transportation, LLC served their First Set

8 of Interrogatories and Requests for Production of Documents to Plaintiff Adam Pasquali.

9 8. On April 13, 2022, Plaintiffs served their First Set of Requests for Admission,

10 Interrogatories and Requests for Production of Documents to Defendant Francisco Velasco

11 Hernandez, Jr.

12 9. On April 13, 2022, Plaintiffs served their First Set of Requests for Admission,

13 Interrogatories and Requests for Production of Documents to Defendant Wal-Mart Transportation,

14 LLC.

15 10. On April 28, 2022, Defendants inspected and photographed the tractor involved in the

16 subject accident.

17 11. On May 6, 2022, Defendants served their First Supplemental Rule 26(f) Disclosures.

18 12. On May 9, 2022, Plaintiff Antonio Cruz-Tepetzi served his Answers to Defendant

19 Wal-Mart Transportation, LLC's First Set of Interrogatories and Responses to Requests for

20 Production of Documents.

21 13. On May 9, 2022, Plaintiff Adam Pasquali served his Answers to Defendant Wal-Mart

22 Transportation, LLC's First Set of Interrogatories and Responses to Requests for Production of

23 Documents.

24 14. On May 9, 2022, Walmart served its responses to plaintiffs' First Set of Requests for

25 Admissions.

26 15. On May 9, 2022, Mr. Velasco Hernandez served his responses to Plaintiffs' First Set

27 of Requests for Admissions.

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16. On May 23, 2022, Defendants served their Rule 26(f) Disclosures (Second Supplement).

17. On June 2, 2022, Defendants served their Rule 26(f) Disclosures (Third Supplement).

18. On June 2, 2022, Defendants served their Rule 26(f) Disclosures (Fourth
ment).

Discovery Remaining

1. The parties will continue participating in written discovery.

2. Defendants will take the deposition of Plaintiffs.

3. Plaintiffs will take the deposition of Defendant Wal-Mart Transportation, Inc.'s FRCP 30(b)(6) witness.

4. Plaintiffs will take the deposition of Defendant Francisco Velasco Hernandez, Jr.

5. The parties may take the depositions of any and all other witnesses garnered through discovery and specifically, the NLPD Officer who investigated the accident.

6. On May 12, 2022, Defendants subpoenaed records, but still have not received medical, billing, and/or diagnostic imaging records from Nevada Pain Care, Northeastern Chiropractic, PBS Anesthesia, Pueblo Medical Imaging, Ross Medical Group, SimonMed Imaging, Sunset Pain Surgery Center, Dana Forte, D.O. and Walmart Pharmacy.

7. Expert retention and disclosures.

8. The parties will participate in a joint inspection of the plaintiffs' automobile.

9. Defendant Wal-Mart Transportation, LLC is in the process of locating any disclosing additional video depicting the subject collision and the scene of the collision.

Why Remaining Discovery Has Not Been Completed

1. On May 9, 2022, Defendants received medical consents from the plaintiffs. Those consents are required before health care providers will release medical records. Mr. Cruz-Tepitzi is in the process of identifying the surgeon and facility where he had a surgical procedure approximately one week after the subject accident. Based on the medical records disclosed to date, this surgery was scheduled before the subject accident. This surgery will be relevant to assessing causation and or apportionment for injuries sustained in the subject accident.

2. The aforementioned vehicle inspection requires coordination of Plaintiff Cruz-Tepetzi, counsel for Plaintiffs and Defendants, as well as their respective experts, and an agreement as to when and where to conduct said inspection. Being that the primary purpose of the supplemental inspection is to assess whether there is additional property damage under the bumper, it is necessary to conduct said inspection at a body shop.

3. Walmart and Mr. Velasco Hernandez's responses to plaintiffs' interrogatories and responses to request to produce are due June 10, 2022. This discovery has not been completed as the parties are in active discussions about streamlining discovery, which may include stipulations to withdraw certain affirmative defenses and claims for relief.

| Scheduled Event | Current Deadline | Proposed Deadline |
|--|---|---|
| Final date to amend pleadings or add parties | June 2, 2022 | Closed |
| Initial Expert Disclosures | July 1, 2022 | October 3, 2022 |
| Rebuttal Expert Disclosures | August 1, 2022 | November 1, 2022 |
| Discovery Cut-Off | August 31, 2022 | November 30, 2022 |
| Final Date for Dispositive Motions | September 30, 2022 | December 30, 2022 |
| Joint Proposed Pre-Trial Order | October 31, 2022 or 30 days after resolution of dispositive motions | January 31, 2023 or 30 days after resolution of dispositive motions |

1 The parties respectfully request that this Court extend the discovery period by ninety (90)
2 days from the current deadline of August 31, 2022 up to and including November 30, 2022, and the
3 other dates as outlined in accordance with the table above.

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5 Dated this 3rd day of June, 2022.

Dated this 3rd day of June, 2022.

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7 STEPHENSON & DICKINSON, P.C.

LLOYD BAKER INJURY ATTORNEYS

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20 **Order**

21 **IT IS SO ORDERED.**

22 Dated: June 6, 2022
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27 _____
United States Magistrate Judge
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